

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MARILYN MCBRIDE,

Plaintiff,

v.

BAKER TANK COMPANY/ALTECH,
DIVISIONS OF JUSTISS OIL COMPANY,
INC.,

Defendant.

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CASE NO. 2:18-cv-83-RJG

JURY TRIAL DEMANDED

VERDICT FORM

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you in the Court's charge. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

QUESTION NO. 1.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that Defendant Baker Tank Company paid Plaintiff Marilyn McBride less than male employees because of her sex?

Answer "Yes" or "No." NO

If you answered "Yes" to Question No. 1, then proceed to Question No. 2. If you answered "No" to Question No. 1, then do not answer Question No. 2 and proceed to answer Question No. 3.

QUESTION NO. 2.

What amount of money, if paid now in cash, would fairly and reasonably compensate Plaintiff Marilyn McBride for her damages for back pay and benefits, if any, which you have found Defendant Baker Tank Company caused Plaintiff Marilyn McBride?

Answer in U.S. dollars and cents.

\$ _____

If you have answered Question No. 2, proceed to Question No. 3.

QUESTION NO. 3.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that one or more employees of Defendant Baker Tank Company harassed Plaintiff Marilyn McBride because of her sex?

Answer "Yes" or "No."

yes

If you answered "Yes" to Question No. 3, then answer Question No. 4. If you answered "No" to Question No. 3, do not answer any more questions, proceed to the last page, have your Foreperson sign and date this verdict form, and then deliver it to the Court Security Officer.

QUESTION NO. 4.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that the harassment which you have found in Question No. 3 to be sufficiently severe or pervasive to (a) alter the terms or conditions of Plaintiff Marilyn McBride's employment; and (b) create a hostile work environment?

Answer "Yes" or "No".

no

If you answered "Yes" to Question No. 4, then answer Question No. 5. If you answered "No" to Question No. 4, then do not answer Question Nos. 5 or 6 and proceed to Question No. 7.

QUESTION NO. 5.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that Defendant Baker Tank Company knew, or in the exercise of reasonable care, should have known, that Plaintiff Marilyn McBride was being harassed on the basis of her sex?

Answer “Yes” or “No.” _____

If you answered “Yes” to Question No. 5, then answer Question No. 6. If you answered “No” to Question No. 5, then do not answer Question No. 6 and proceed to Question No. 7.

QUESTION NO. 6.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that Defendant Baker Tank Company failed to take prompt remedial action regarding the sexual harassment suffered by Plaintiff Marilyn McBride?

Answer “Yes” or “No.” _____

Please proceed to Question No. 7 on the next page.

QUESTION NO. 7.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that Plaintiff Marilyn McBride engaged in protected activity under Title VII?

Answer “Yes” or “No.” yes

If you answered “Yes” to Question No. 7, then answer Question No. 8. If you answered “No” to Question No. 7, then do not answer Question Nos. 8 or 9 and proceed to Question No. 10.

QUESTION NO. 8.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that Defendant Baker Tank Company subjected Plaintiff Marilyn McBride to an adverse employment action?

Answer “Yes” or “No.” no

If you answered “Yes” to Question No. 8, then answer Question No. 9. If you answered “No” to Question No. 8, then do not answer Question No. 9 and proceed to Question No. 10.

QUESTION NO. 9.

Did Plaintiff Marilyn McBride prove by a preponderance of the evidence that Plaintiff Marilyn McBride would not have been subjected to an adverse employment action but for her protected activity?

Answer “Yes” or “No.” _____

Please proceed to Question No. 10 on the next page.

If you answered “Yes” to either Question No. 6 or Question No. 9, then answer Question No. 10. Otherwise, do not answer any more questions, proceed to the last page, have your Foreperson sign and date this verdict form, and then deliver it to the Court Security Officer.

QUESTION NO. 10.

What amount of money, if paid now in cash, would fairly and reasonably compensate Plaintiff Marilyn McBride for the damages for emotional pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life, if any, you have found that Defendant Baker Tank caused Plaintiff Marilyn McBride?

Answer in U.S. dollars and cents.

\$

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Please proceed to Question No. 11.

QUESTION NO. 11.

If you find that Defendant Baker Tank Company engaged in conduct that would warrant an award of punitive damages, as defined by the Court, then what sum of money, if any, should be assessed against Defendant Baker Tank Company as punitive damages?

Answer in U.S. dollars and cents.

\$

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Proceed to next page.

END OF JURY VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. After you are satisfied that your unanimous answers are correctly reflected above, then the Jury Foreperson should then sign and date this verdict form in the spaces below. Then, notify the Court Security Officer that you have reached a verdict.

Signed this 30 day of January, 2019.

Jury Foreperson